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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,338

02/12/2004

Rajesh Kumar

01-549

1775

23400

7590

07/26/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

CAO, PHAT X

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/776,338

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060721

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

see attached papers.

1. Applicant argues that the allowable independent claim 1 and the withdrawn independent claim 4 are generic to each other because they both disclose a vertical type junction field effect transistor and a lateral type junction field effect transistor.

As stated in MPEP 806.04(d), "... In general, a generic claim should require no material element additional to those required by the species claims, and each of the species claims must require **all the limitations** of the generic claim ..." [emphasis added]. In this case, the withdrawn independent claim 4 is not a generic claim because the allowable independent claim 1 clearly does not include all the limitations of the withdrawn independent claim 4. Specifically, the independent claim 1 is directed to a semiconductor device having "a **gate** of the second field effect transistor connects to the **gate** of the first field effect transistor", and the independent claim 4 is directed to a semiconductor device having "the **source** of the second field effect transistor connects to the **gate** of the first field effect transistor". Therefore, the allowable independent claim 1 and the withdrawn independent claim 4 are not generic as asserted by Applicant. They are distinct species (also see restriction/election requirement mailed on 7/21/05) and they are mutually exclusive (see MPEP 806.04(f)).

2. This application is in condition for allowance except for the presence of claims 4, 6 and 7 directed to an invention non-elected with traverse in the reply filed on 8/9/05. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the

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noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is 571-272-1703. The examiner can normally be reached on M-F.

PC
July 21, 2006


PHAT X. CAO
PRIMARY EXAMINER